


Application Number 	Application/Control No. 10/648,931	Applicant(s)/Patent under Reexamination FLICK, KENNETH E.	
Document Code - DISQ		Internal Document – DO NOT MAIL	

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : October 13, 2005	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Henry D. Jefferson

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

DATE: **13-Oct-05**

APPL. S.N.: **10/648,931**

TO: EXAMINER **SWARTHOUT, BRENT**

ART UNIT: **2636**

FROM: **Jefferson, Henry**

PARALEGAL SPECIALIST

RETURN THIS MEMO TO:

Case Drop-Off Locatic

JEF-2D68

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: **09-May-05**

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU.

- ☒ The T.D. is PROPER and has been recorded (see ¶14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see ¶ 14.24):
- ☐ The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account (see ¶ 14.26.07).
 - ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see ¶¶ 14.26 & 14.26.01).
 - ☐ The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see ¶ 14.27.01).
 - ☐ The T.D. is directed to a particular claim(s), which is not acceptable since “the disclaimer must be for a terminal portion of the term of the entire patent to be granted” (MPEP 1490) (see ¶¶ 14.26 & 14.26.02).
 - ☐ The person who signed the T.D.:
 - ☐ is not an attorney “of record” (see ¶¶ 14.29 and 14.29.01).
 - ☐ has failed to state his/her capacity to sign for the business entity (see ¶ 14.28).
 - ☐ is not recognized as an officer of the assignee (see ¶¶ 14.29 & possible 14.29.02).
 - ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see ¶ 14.30).
 - ☐ The T.D. is not signed (see ¶¶ 14.26 & 14.26.03).
 - ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see ¶ 14.32).
 - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see ¶¶ 14.26, 14.27.02 or 14.26.05).
 - ☐ The period disclaimed is incorrect or not specified (see ¶¶ 14.26, 14.27.02 or 14.26.03).
 - ☐ Other:
 - ☐ Suggestion to request refund (see ¶ 14.36). NOTE: If already authorized, credit refund to deposit account and **do not** check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex. Initials: _____ Date: _____

Log Date: _____

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MAY 09 2005

In re Patent Application of:)
FLICK) Examiner: B. SWARTHOOT
Serial No. 10/648,931) Art Unit: 2636
Filing Date: AUGUST 27, 2003) Attorney Docket No. 58178
For: VEHICLE SECURITY DEVICE HAVING)
PRE-WARN FEATURES AND RELATED)
METHODS)

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER PRIOR PATENTS

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, Omega Patents, L.L.C., having a mailing address of 5326 Presley Place, Douglasville, Georgia 30135, a Georgia corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above (hereinafter "the '931 Patent Application") by virtue of an assignment from the inventor thereof and has remained owner of all right, title and interest from the time of filing the original Assignment to the present. The Assignment was recorded on August 28, 2003, at Reel 14447, Frame 213. The undersigned has reviewed the assignment and to the best of undersigned's knowledge and belief, title is in the name of assignee identified above. The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee.

In re Patent Application of:

FLICK

Serial No. 10/648,931

Filing Date: AUGUST 27, 2003

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the '931 Patent Application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 of U.S. Patent Nos. 5,719,551; 6,011,460; 6,243,004; 6,249,216; 6,275,147; and 6,696,927. Petitioner hereby agrees that any patent so granted on the '931 Patent Application shall be enforceable only for and during such period that it and the '551; '460; '004; '216; '147; and '927 Patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the Grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of the prior patent, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

In re Patent Application of:
FLICK
Serial No. 10/648,931
Filing Date: **AUGUST 27, 2003**

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

For submission on behalf of Assignee, the undersigned is the attorney of record.

The Commissioner is hereby authorized to charge the small entity fee in the amount of \$65.00 to the credit card noted in the attached credit card payment form PTO-2038.

Respectfully submitted,



CHRISTOPHER F. REGAN
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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 703-872-9306 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 9th day of May, 2005.

